

1 different mobiles, and I'm just going back trying to
2 remember, looking at the sheets and stuff, probably about
3 1300 or so mobiles.

4 Q Did you still have some sort of a 800 system in
5 operation at that time, in 1996?

6 A Had one 800 and it has 70-some odd, 70 to 80
7 mobiles on it. It had one rock hauler.

8 Q A rock hauling company?

9 A Yes, sir.

10 Q Now, in 1996, when you were considering the
11 expansion into the T-band, we've talked about one big
12 company or a couple of big companies that approached you.

13 Would you tell the Court what kind of industry
14 they were in?

15 A They're in concrete, cement hauling.

16 Q You made some reference yesterday or the day
17 before in your testimony about Command Data, Command Data
18 System. Would you explain to the Court, please, what you
19 mean by that?

20 A Command Data is a mobile data terminal that is
21 unique for concrete.

22 Q Okay. When you say mobile data terminal, tell us
23 what you're talking about.

24 A A mobile data terminal is a device that ties in to
25 the radio that once the vehicle is at the batching plant,

1 and the batching plant is what fixes and mixes up the
2 concrete and gets ready to poor it in the truck, a truck
3 lines up to have its mixer filled with concrete, once it's
4 there, it keys on Command Data equipment, which goes through
5 the radio and it broadcasts back to central dispatch that he
6 is loading up, getting ready to leave. Once he pulls out of
7 the yard, he has to hit those keys again and the radio will
8 transmit back to the repeater site and then back out to
9 where the central dispatch is.

10 Q And what kind of data is this, do you know?

11 A It's period data like on-site time, date, and
12 truck number, and each time they send it, that same
13 information goes out and inside the batch room there is a
14 big computer which moves kind of a marker across and that
15 indicates where that truck is moving or has done its
16 activity towards the end, which would be coming back to the
17 batching plant.

18 Q The system, then, that you were talking to this
19 big concrete and cement company about was a system that
20 would incorporate this Command Data input into the radio
21 system that you would use off of the soon-to-be-acquired
22 T-band system?

23 A Correct.

24 Q And so more than just the radio repeater service
25 for your radio, it also involved the use of some

1 sophisticated equipment with this Command Data tie in.

2 A Correct. Command Data is the name of the product.
3 It's the product itself. But it is mobile data.

4 Q Okay. So the name of it is Command Data.

5 A Yes, sir. We attempted to produce a product like
6 that using a radio made out of California, but their price
7 was way too high when we talked about with the customer.

8 Q Was the effort then on your part in dealing with
9 these folks to be able to come up with a solution to have
10 the T-band system --

11 MS. LANCASTER: Your Honor, I would object to the
12 leading nature of the question. He can ask what the effort
13 was, but not tell Mr. Brasher what his effort was.

14 MR. ROMNEY: I'll rephrase, Your Honor.

15 JUDGE STEINBERG: Okay.

16 BY MR. ROMNEY:

17 Q What was your design? What were you talking to
18 this large customer about, what were you trying to put
19 together for them.

20 A A mobile data system tied in with the radio that
21 would meet their desires and that is know where their trucks
22 are at all times, picking up the mix and delivering it to
23 the customer and getting back.

24 Q Was there a certain number of mobile units that
25 were being discussed with this customer?

1 A Approximately 600 in our industry. Maybe 660,
2 almost 700.

3 Q Okay. Now, you've already told the Court about
4 talking with Mr. Black about getting information to
5 determine the frequencies.

6 Did you do that in this particular case for the
7 T-band system?

8 A Yes, sir.

9 Q Approximately when did you start doing that with
10 Mr. Black?

11 A We started in approximately 1995, June or July
12 '95.

13 Q I believe you also mentioned in response to one of
14 Ms. Lancaster's questions that you had a conversation with
15 Scott Fennell.

16 Tell the Court who Scott Fennell is, please.

17 A Scott Fennell is or was a PCI -- I guess a
18 coordinator, you might want to say. He is a coordinator.

19 Q What was the nature of your conversations with
20 Mr. Fennell in regards to the planning stage of this T-band
21 system that you've described?

22 A In '95, we had received our central, which was in
23 Dallas, and --

24 Q Let me stop you there.

25 A Okay.

1 Q What do you mean by that? What do you mean when
2 you say the central?

3 A Dallas, we applied for four -- I think it was four
4 channels and I'd have to look -- it's WIL990. We applied
5 with four channels there, four or five channels, and one in
6 Allen, at the same time with O.C. Brasher's frequency.

7 Q Okay. To clarify, who was it that -- on whose
8 behalf were these applications made for this main set-up in
9 Dallas in 1995?

10 A They were in my name.

11 Q Anybody else?

12 A No.

13 Q You said O.C. Brasher?

14 A He was in Allen.

15 Q Okay. So you applied for how many in Dallas?

16 A Five. Four or five, something like that.

17 Yes, sir.

18 Q How many did you receive in Dallas?

19 A I received one license with that many frequencies
20 on there. I can look at it in here.

21 Q Please. Do you know where it is?

22 A Let me see.

23 (Pause.)

24 JUDGE STEINBERG: He opened up Exhibit 19 --

25 THE WITNESS: Twice. The second turn.

1 JUDGE STEINBERG: The second turn was on page 359.

2 Is that what it is?

3 THE WITNESS: Yes, sir, 359.

4 BY MR. ROMNEY:

5 Q Would you explain to the Court what document
6 you're looking at?

7 A I'm looking at a license to Ronald D. Brasher that
8 has five channels assigned to it on -- Bates number, I guess
9 you call that -- 359.

10 JUDGE STEINBERG: That's page 359.

11 BY MR. ROMNEY:

12 Q Bates number 359?

13 A Yes, sir. And it's a radio license for Dallas and
14 it was granted to us in 1996, it had been applied for since
15 some time in 1995.

16 Q And also at 1995, I believe you testified
17 yesterday you applied for the original O.C. Brasher?

18 A Yes, sir. This application and O.C. Brasher were
19 filed at the same time.

20 Q And that's the O.C. Brasher one that for whatever
21 reason never made it through to the FCC?

22 A That's correct.

23 Q Now, did you work with Mr. Black in trying to get
24 this license you have before you which is page 359 to
25 Exhibit 19 of the Enforcement Bureau?

1 A Yes, sir.

2 Q Tell the Court what you did with Mr. Black on
3 that.

4 A Actually, the file number is at the top and it was
5 in 1995, if we look at the file number, that's when we first
6 started working on it, in 1995.

7 Q Which page are you referring to, sir?

8 A Still on 359.

9 Q Okay.

10 A It's called file number and that's the file number
11 FCC used. That's when it hit there. It hit there several
12 times because of corrections.

13 Q And that is in the middle of the page at the top?

14 A Yes.

15 Q Thank you. Continue, please.

16 A Once this license was granted and we had received,
17 I think, one or two license with Patricia's, this set up our
18 Dallas central location, you might say.

19 Q Was there a separate license for Patricia?

20 A Yes.

21 Q Okay. When was that application made?

22 A I think it was in 1995 also, Mr. Romney.

23 Q Was that for Dallas?

24 A It was for Dallas or Fort Worth. Would you like
25 for me to try to find it?

1 Q No, sir. Would you please tell the Court where
2 exactly in Dallas this site was that you're referring to?

3 A The site in Dallas is on the tallest building,
4 it's the bank building, it's the tallest building in the
5 Dallas area.

6 Q Is that what's known now as the Bank of America
7 Building?

8 A Bank of America now.

9 Q Is that the fifth name it's had or sixth name
10 since the building was built?

11 A Yes. It's the tallest building. It's the green
12 one, if you ever see it on TV with the Cowboy thing, it has
13 the Xs and all like that.

14 Q What about the station in Fort Worth? Did you
15 have a station in Fort Worth as well?

16 A Yes, sir. It was on a television tower about four
17 miles west of downtown Fort Worth.

18 Q And Allen, where is it that you were trying to get
19 this site in Allen?

20 A Allen, in buildings, about 30 to 35 miles
21 northeast, I think.

22 Q Of downtown Dallas?

23 A Of downtown Dallas.

24 Q Could you describe for the judge, whether it means
25 anything to him or not, basically the geographic location of

1 that Allen site?

2 A It's a complete city different from Dallas. It's
3 a community. And from Dallas, it's kind of a northeast
4 range and what that would do for you there, it would get you
5 further north and to the east and back down, where Dallas
6 would shoot more upwards and could cover all this, but this
7 gives us a much stronger transmission up through that way.
8 And moves us more to due west, which was Forth Worth sets
9 back -- Fort Worth is about 30-some odd miles from Dallas,
10 so we've got kind -- not a triangle, but here, here and like
11 that, Your Honor. It's a L-shape to a degree.

12 Q Here, here and like that won't come out on the
13 record.

14 A I'm sorry.

15 JUDGE STEINBERG: L-shaped will.

16 THE WITNESS: L-shaped. Yes.

17 JUDGE STEINBERG: Or actually like a backwards L.

18 THE WITNESS: Yes. A backwards L. Yes, sir.

19 That's correct.

20 JUDGE STEINBERG: And when Mr. Brasher when here,
21 here and here, he was pointing to the left part of the
22 backwards L, the bottom of the backwards L and the top of
23 the backwards L.

24 THE WITNESS: Correct.

25 JUDGE STEINBERG: And the top would be Allen, the

1 middle would be Dallas and the left would be Fort Worth.

2 THE WITNESS: That's correct.

3 MR. ROMNEY: That's correct. Thank you,
4 Your Honor.

5 BY MR. ROMNEY:

6 Q Now, you had started to describe the conversation
7 you had with Mr. Fennell regarding your planning for this
8 T-band system.

9 Would you continue with that testimony?

10 A Yes, sir. We asked if we could apply for more
11 channels, multiple channels in Allen.

12 Q What were you told?

13 A Beg your pardon?

14 Q What were you told by Mr. Fennel?

15 A That one license per customer was all that would
16 be acceptable.

17 Q Did he quote you any law on that? Did he tell you
18 that that was a law?

19 A No, he indicated to me that it was an PCI/FCC
20 ruling.

21 Q Did he give you a citation to that ruling or
22 anything?

23 A No, sir. He did not.

24 Q Did you talk to anybody else about that issue?

25 A Yes.

1 Q Who did you speak to?

2 A I talked to John Black and John Black and Fennell
3 and I, we discussed it, and John confirmed what Fennel had
4 said.

5 Q Did Mr. Black give you any other indication about
6 how this ruling could be dealt with?

7 A Multiple license, single license, different names
8 would be all right.

9 Q Well, tell the Court exactly what you discussed
10 with Mr. Black about the use of other people's names.

11 A Could we get our channels that way and the answer
12 was yes.

13 Q How did you come up with that idea? Or were you
14 the first one to bring it up?

15 A I was not the first one to bring it up.

16 Q How did you first hear of it?

17 A I received that from John Black.

18 Q And what did he tell you?

19 A That we could get channels from different entities
20 within the company or different names licensed and you could
21 put them together and that that circumstances was done
22 throughout the industry.

23 Q Did you do anything to try to confirm that
24 information from Mr. Black?

25 A I pulled a 1995 listing of T-band frequencies and

1 monitored it and I found confirming figures to say, yes,
2 that was so.

3 Q Tell the Court what you found.

4 A About four companies -- name them?

5 Q Yes, go ahead.

6 A Action Radio was one. Piffencriff Communications
7 is another.

8 Q Would you spell that, please?

9 A I'd have to look at it. It's P-i-f-f -- no.
10 I can get that for the Court if need be.

11 JUDGE STEINBERG: Say it again.

12 THE WITNESS: Piffencriff Communications.

13 JUDGE STEINBERG: Peffencriff? Phonetically, it
14 would be P-e-f-f-e-n? That's phonetically.

15 THE WITNESS: And the last three symbols are
16 i-f-f.

17 JUDGE STEINBERG: Peffencriff?

18 MR. ROMNEY: I understand it to be, Your Honor, if
19 you'll permit me to spell it, I believe it is spelled
20 P-i-t-t-e-n-c-r-i-e-f-f.

21 MS. LANCASTER: Could you spell that one more
22 time, please?

23 MR. ROMNEY: P-i-t-t-e-n-c-r-i-e-f-f.

24 THE WITNESS: Madback Communications.

25 BY MR. ROMNEY:

1 Q Would you spell that, please?

2 A M-a-d-b-a-c-k. And Randy Angles.

3 Q Would you spell Mr. Angles' last name, please?

4 A A-n-g-l-e-s. I think it's Angles.

5 Q And what information about these companies did you
6 look at?

7 A And a larger amount of a company was Champion
8 Communications.

9 Q Tell me what you saw.

10 A I seen different frequencies with different names
11 with the same telephone number and address that matched
12 these -- the same entity but with different names.

13 Q So you saw the same phone number being applied for
14 the different named companies? Is that right?

15 A Yes, sir. And also same addresses and stuff
16 like that with different names on them at different
17 locations.

18 Q Did you discuss that with Mr. Black?

19 A Yes.

20 Q What did you talk about?

21 A That confirmed what he had said and he said that's
22 the industry.

23 Q Did you understand the use of other people's names
24 to have these kinds of T-band systems to be in any way
25 illegal?

1 A No.

2 Q Did you understand that to be violating any FCC
3 rule?

4 A No, sir.

5 Q Did you believe that it was permitted?

6 A It was -- yes, I believed it was permitted because
7 there was a large number of licenses that way.

8 JUDGE STEINBERG: Let me just interrupt. When you
9 said you saw different frequencies with different names and
10 the same telephone number and addresses, are you talking
11 about on the licenses where -- like let's take a look at
12 page 359 of Exhibit 19, where it says here Ronald Brasher
13 and it's got an address 2244 Larson Lane, Suite 104, Dallas,
14 Texas.

15 So you would see -- when you did this review, you
16 would see Ronald Brasher, 224 Larson Lane, and then you
17 would see another name, 224 Larson Lane, and then a third
18 name, 224 Larson Lane, and a fourth name, et cetera, et
19 cetera.

20 THE WITNESS: And the call sign and the telephone
21 number and address to the licensee. And then you would
22 see --

23 JUDGE STEINBERG: They would be different or they
24 would be --

25 THE WITNESS: The call sign would be different.

1 BY MR. ROMNEY:

2 Q The telephone number would be the same?

3 A The telephone number would be the same.

4 JUDGE STEINBERG: Where is the telephone number on
5 page 359?

6 THE WITNESS: You won't see it here, but you would
7 see it on that printout because it's kind of a copy of this.

8 JUDGE STEINBERG: That's the printout that you
9 worked from?

10 THE WITNESS: Yes, sir. And the different
11 frequency, what I'm taking about, for example, here,
12 frequency 1 is 483.41250?

13 JUDGE STEINBERG: Yes, sir.

14 THE WITNESS: The next number, the next station on
15 that same license is 483.48750. So you look at different
16 categories.

17 BY MR. ROMNEY:

18 Q I'd ask the witness to turn to page 361 of that
19 exhibit.

20 A All right, sir. I'm there.

21 Q The far left-hand corner, in the box portion,
22 there's a control number.

23 JUDGE STEINBERG: We don't see any box.

24 MR. ROMNEY: Control point phone.

25 THE WITNESS: The station technical box?

1 MR. ROMNEY: Yes, sir.

2 THE WITNESS: All right.

3 BY MR. ROMNEY:

4 Q Do you see that where it says control point phone?

5 A Yes, sir.

6 Q Do you have an understanding, sir, of what that
7 means? What the control point phone is?

8 A That is the location in which that repeater in
9 that person's name can be turned on or off from.

10 Q Was this the phone number that you would see on
11 this printout that you're referring to the Court?

12 A Yes, sir.

13 Q And so you would see different entities with the
14 same addresses and the same control phone numbers.

15 A Yes, sir.

16 Q Let me address you generically, sir, to the
17 applications that were filed on behalf of the Sumpters.
18 Let's start with them.

19 There was a check from Brasher on Jim Sumpter's
20 for the application fee?

21 A Correct.

22 Q There was a check from Brasher for Norma's
23 application fee?

24 A Correct.

25 Q There was a check from the Brasher account for

1 Melissa's application fee?

2 A Correct.

3 Q There was a check from Brasher for Jennifer Hill's
4 application fee?

5 A Yes, sir.

6 Q There was a check from Brasher for Carolyn Sue
7 Lutz's application fee?

8 A Yes, sir.

9 Q Also on those applications for these T-bands in
10 question, was there reference anywhere on those to Metroplex
11 Two Way Radio?

12 A The control point on every one of the licenses.

13 Q Would you show that to the Court? Let's pull
14 Exhibit 58. No, I'm sorry, that's wrong. That's not what
15 I'm looking for. I'm talking about a license application.

16 Excuse me, Your Honor. Let me refer the witness
17 to --

18 MS. LANCASTER: 57 is an application for Carolyn.

19 MR. ROMNEY: Yes. Let's look at 57.

20 BY MR. ROMNEY:

21 Q Page 5 of Exhibit 57, sir.

22 A Okay.

23 Q What is the address listed in paragraph B there,
24 in location B?

25 A 2244 Larson Lane.

1 Q What is that?

2 A That's the Metroplex Two Way Radio address.

3 Q The next page, page 6?

4 A It's a reference with our telephone number.

5 Q Okay. And it says Metroplex Two Way?

6 A Yes, sir.

7 Q And it refers to the WIL990 license?

8 A Yes, sir.

9 Q Okay. Why is that information on there, to your
10 knowledge?

11 A That is to show that there is a license like that
12 in operation in that location B.

13 JUDGE STEINBERG: So that shows that -- when you
14 read pages 5, entry B, and page 6, entry B, it shows that at
15 the proposed location -- never mind.

16 BY MR. ROMNEY:

17 Q Do those entries, sir, indicate a connection with
18 Metroplex Two Way Radio on these licenses?

19 A It names them and gives a telephone number.

20 Q And that's on all those applications, right? That
21 are at issue here? The T-band licenses that we've been
22 talking about?

23 A I would think so because basically this is the
24 same form that John Black fills out. I mean processes.

25 MS. LANCASTER: Move to strike as unresponsive,

1 Your Honor. I don't believe that Mr. Brasher answered the
2 last question.

3 JUDGE STEINBERG: Well, we can all look at the
4 licenses if we could find them and see if the information is
5 there.

6 MR. ROMNEY: I welcome the Court's inquiry.
7 I believe all the licenses will demonstrate the same on the
8 applicable pages.

9 JUDGE STEINBERG: Well, ask Ms. Lancaster.
10 The question was the same information appears on
11 each of the applications and Mr. Brasher said he assumes it
12 did since John Black did them all.

13 MR. ROMNEY: That's correct.

14 JUDGE STEINBERG: In essence. And if it doesn't
15 appear on there, then you can write that in your findings.

16 MS. LANCASTER: Your Honor, page 6 that is --
17 I guess our problem is page 6 is the intent of structure
18 data and all page 6 does is basically give information about
19 the location and how tall the antenna is.

20 We're trying to find out what Mr. Brasher's
21 testimony is in response to the original question by Mr.
22 Romney about that it's supposed to show a connection
23 somehow.

24 JUDGE STEINBERG: You can ask that when you have
25 an opportunity to redirect or cross or whatever we're going

1 to call it. We'll call it something.

2 MR. PEDIGO: Question. Converse.

3 JUDGE STEINBERG: No matter what you call it, I
4 think it's sufficient.

5 MR. ROMNEY: Your Honor, at this time, I would
6 move the admission of what's been marked for identification
7 as RB/PB Exhibit No. 1, which was the original Exhibit 34 to
8 Carolyn Lutz's deposition.

9 JUDGE STEINBERG: Okay. That's the Radio System
10 Management Agreement?

11 MR. ROMNEY: Yes, sir.

12 JUDGE STEINBERG: Any objection?

13 MS. LANCASTER: No, sir.

14 JUDGE STEINBERG: RB/PB Exhibit 1 is received.

15 (The document referred to,
16 previously identified as RB/PB
17 Exhibit No. 1, was received in
18 evidence.)

19 MS. LANCASTER: Your Honor, may I use your stapler
20 to staple my copy?

21 JUDGE STEINBERG: Certainly.

22 BY MR. ROMNEY:

23 Q Mr. Brasher, do you have in front of you the
24 letter dated March 5, 1992 from Richard Schiro to you
25 containing the durable power of attorney that was discussed

1 yesterday?

2 A Yes, sir. I do.

3 MR. ROMNEY: Your Honor, I move the admission of
4 this document. I don't know that it's been marked for
5 identification yet.

6 JUDGE STEINBERG: No, it hasn't.

7 MR. ROMNEY: I would request that the Court mark
8 it as RB/PB Exhibit 2.

9 JUDGE STEINBERG: But I thought you were not going
10 to offer those.

11 Okay. What we're talking about for purposes of
12 the record is RB/PB exchanged exhibits in their two big
13 binders and the exhibits, except for one, duplicate the
14 exhibits that the Bureau has exchanged, most of which have
15 been received into evidence, and I don't see any purpose for
16 having them in here twice.

17 So what I would ask you to do would be not to
18 offer or not to mark for identification any of those
19 exhibits except for the last one and that's with Mr. Hill.
20 And we just basically take those and dispose of them because
21 we've already got the exhibits in the case, in the Bureau's
22 case.

23 MR. ROMNEY: That's acceptable to us, Your Honor.

24 JUDGE STEINBERG: Yes. So therefore we will start
25 numbering again so this number is 2.

1 So let me say that it's an 11 page document, cover
2 page letterhead of Richard B. Schiro, S-c-h-i-r-o, dated
3 March 5, 1992 and page 2 of the document is a declaration of
4 guardian in the event of later incompetence or need of
5 guardian. The third page is a witness statement, the fourth
6 through the end are durable power of attorney for financial
7 matters of Oscar Colquitt Brasher, C-o-l-q-u-i-t-t. That is
8 marked for identification as RB/PB Exhibit 2.

9 (The document referred to was
10 marked for identification as
11 RB/PB Exhibit No. 2.)

12 MR. ROMNEY: I move admission of that exhibit,
13 Your Honor, RB/PB Exhibit 2.

14 JUDGE STEINBERG: Are you going to ask any
15 questions on it?

16 MR. ROMNEY: No, sir. I think it was explained
17 yesterday. I think a foundation was laid for it yesterday
18 as well.

19 MS. LANCASTER: Your Honor, I'm going to object to
20 admission of this exhibit and request and opportunity to
21 voir dire Mr. Brasher regarding the exhibit.

22 JUDGE STEINBERG: Have at him.

23 VOIR DIRE EXAMINATION

24 BY MS. LANCASTER:

25 Q Mr. Brasher, when did you receive this exhibit?

1 A I would say close to March 5, 1992.

2 Q Do you have the original?

3 A Yes, I do.

4 Q Where is it?

5 A It's probably in the safe at my house or bank.

6 It's either one of those two places.

7 Q But you've had it in your possession since 1992?

8 A Yes, ma'am.

9 Q And you do have an original?

10 A Yes, ma'am. I have the original.

11 MS. LANCASTER: I would object to the admission of
12 this evidence, Your Honor. It's not the best evidence and
13 it was to timely produced.

14 JUDGE STEINBERG: I have a couple of questions
15 about this in the nature of voir dire.

16 Look at the second page of this document, which is
17 the declaration of guardian, and you see a signature on the
18 bottom of it?

19 THE WITNESS: Yes, sir.

20 JUDGE STEINBERG: Do you recognize the signature?

21 THE WITNESS: Oscar Colquitt Brasher.

22 JUDGE STEINBERG: Did you personally witness this
23 signature?

24 THE WITNESS: Yes, sir. Yes, sir.

25 JUDGE STEINBERG: So you were present when

1 Mr. Brasher, when your father signed this?

2 THE WITNESS: Yes, sir.

3 JUDGE STEINBERG: Where were you?

4 THE WITNESS: In my home.

5 JUDGE STEINBERG: In your home?

6 THE WITNESS: The attorneys and everything came
7 there.

8 JUDGE STEINBERG: The attorney came to your home?

9 THE WITNESS: Yes, sir.

10 JUDGE STEINBERG: And who was the attorney?

11 THE WITNESS: Schiro. Dick Schiro.

12 JUDGE STEINBERG: Now, look at the third page.

13 THE WITNESS: I think it was Schiro.

14 JUDGE STEINBERG: Could it be Ms. Mimms?

15 THE WITNESS: Ms. Simms?

16 JUDGE STEINBERG: Maryanne Simms. Excuse me.
17 Look on the first page.

18 THE WITNESS: I thought it was Mr. Schiro. It
19 could be Maryanne Simms because that's his --

20 JUDGE STEINBERG: Well, to the best of your
21 memory, it was Mr. Schiro who came to your house?

22 THE WITNESS: Yes.

23 JUDGE STEINBERG: Who is Angelina Little?

24 THE WITNESS: Angelina Little?

25 JUDGE STEINBERG: Do you the name on the third

1 page? It's under first witness.

2 THE WITNESS: The first page?

3 JUDGE STEINBERG: The third page. See, it's got
4 the notary seal on the bottom?

5 THE WITNESS: Yes, sir. I do not know her.

6 JUDGE STEINBERG: And how about Neva, N-e-v-a,
7 Good?

8 THE WITNESS: I don't know her either. And,
9 Your Honor, this could have been at -- no, it had to be at
10 our house because my dad was there.

11 JUDGE STEINBERG: Okay. Do you know Cheryl Y.
12 Allen?

13 THE WITNESS: Yes. She was at the bank, our bank.

14 JUDGE STEINBERG: And was Cheryl Y. Allen at your
15 house?

16 THE WITNESS: Could be because our bank is right
17 there close together. I don't know if we did this at the
18 bank or at maybe at the office. I do know I was there when
19 all of the signing was going on.

20 JUDGE STEINBERG: Now, look at page -- it's the
21 second to the last page and there's a signature on the
22 bottom. Do you recognize that signature?

23 THE WITNESS: Yes, sir.

24 JUDGE STEINBERG: And whose signature is that?

25 THE WITNESS: That's my dad, O.C. Brasher.

1 JUDGE STEINBERG: And were you present when he
2 signed this?

3 THE WITNESS: Yes, sir. Every time he signed, I
4 was present.

5 JUDGE STEINBERG: And look at the last page.

6 THE WITNESS: Yes, sir. That's his signature.

7 JUDGE STEINBERG: I'm going to receive the exhibit
8 over objection. I covered this morning as a preliminary
9 matter the fact that it wasn't covered by the Bureau's
10 document production request because it was outside the dates
11 covered and according to the portions of the deposition read
12 into the record yesterday, it wasn't covered because it
13 wasn't a court order. So I am going to receive the exhibit.

14 (The document referred to,
15 previously identified as RB/PB
16 Exhibit No. 2, was received in
17 evidence.)

18 JUDGE STEINBERG: Now, I have some substantive
19 questions on it, which I will be happy to ask now. I don't
20 want to sandbag anybody with questions.

21 MR. ROMNEY: Certainly.

22 JUDGE STEINBERG: I could have asked them last and
23 then cut off the questioning, but I don't want to do that.
24 That's not fair.

25 Now, yesterday, you testified that you signed your

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1 father's name to -- I think we were talking about the
2 management agreement at the time because you had power of
3 attorney, his power of attorney.

4 THE WITNESS: Yes, sir.

5 JUDGE STEINBERG: And the power of attorney that
6 you referred to is contained in RB/PB Exhibit 2.

7 THE WITNESS: Yes, sir.

8 JUDGE STEINBERG: What in the power of attorney in
9 your own mind gave you authority to sign his name on the
10 management agreement after he was deceased?

11 If you want to take your time to look at the
12 agreement, you can.

13 THE WITNESS: All right, sir.

14 JUDGE STEINBERG: Or if you know the answer, just
15 tell me the answer.

16 THE WITNESS: The management agreement, my
17 understanding is that the license itself still is within the
18 property of O.C. Brasher/custodian of his assets, which
19 would be me.

20 JUDGE STEINBERG: Okay. Now, when he passed away
21 in -- let me find my cheat sheet.

22 MR. ROMNEY: In 1995?

23 JUDGE STEINBERG: Yes. I'm looking for the date.

24 THE WITNESS: August, I think, Your Honor.

25 JUDGE STEINBERG: Yes. August 17th. The day